

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327</b>  <b>MDL No. 2327</b>  Judge Joseph R. Goodwin  Magistrate Judge Cheryl A. Eifert
<b>THIS DOCUMENT RELATES TO ALL CASES</b>	

**DEFENDANTS JOHNSON & JOHNSON AND ETHICON, INC.’S SUPPLEMENTAL  
SUBMISSION IN CONNECTION WITH ITS MOTION FOR COORDINATION  
REGARDING PRIVILEGE CHALLENGES**

Defendants Johnson & Johnson and Ethicon, Inc. respectfully make this supplemental submission in connection with their motion for coordination on privilege issues between this Court and the state court presiding over *Cavness v. Kowalczyk*, a pelvic-mesh suit pending in the Texas District Court for the 95th Judicial District (the “Motion”), which this Court granted on February 11, 2015.

As defendants previously explained to the Court, plaintiff in the state-court *Cavness* action is currently challenging the privileged status of 47 documents, all of which have been withheld on the same grounds in the MDL proceeding. As discussed at the hearing, in order to promote a coordinated resolution of this dispute, defendants are submitting to this Court a number of documents that are relevant to the *Cavness* privilege dispute, including several documents that will be submitted for *in camera* review.

Specifically, defendants have attached to this submission:

1. A brief explaining the law underlying their challenged privilege designations;

2. A brief addressing choice-of-law issues;
3. An affidavit from Ben Watson, counsel for defendants regarding the designations;
4. A table that identifies each document and briefly explains why it was withheld or redacted; and
5. A list of all the individuals included on the privilege log and their job titles where available.

Defendants will also be submitting for *in camera* review:

1. A copy of each challenged document; and
2. A table that provides more detailed descriptions of the privileged documents and the basis for their designations.

Dated: February 23, 2015

Respectfully submitted,

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and Johnson & Johnson in In re: Ethicon,  
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Liability Litigation*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 23, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

/s/ David B. Thomas

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